

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY ARTEAGA,

Plaintiff,

No. CIV-S-03-1004 FCD KJM P

vs.

EDWARD ALAMEEIDA, JR., et al.,

Defendant.

FINDINGS AND RECOMMENDATIONS

A suggestion of the death of defendant Colon appeared on the record on October 27, 2006. Pursuant to Federal Rule of Civil Procedure 25, a motion for substitution of a proper party must be made no later than ninety days after the death is suggested upon the record. That time period has now expired, and no motion for substitution has been filed.

Accordingly, IT IS HEREBY RECOMMENDED that defendant Colon be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after service of these findings and recommendations, any written objections may be filed with the court. The document should be captioned "Objections to Magistrate Judge's Findings

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1 and Recommendations.” Failure to file objections within the specified time may waive the right
2 to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: April 25, 2007.

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5 U.S. MAGISTRATE JUDGE

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